

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**DIVISION OF CODES AND STANDARDS**

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February 28, 2008

To: Local Enforcement Agencies for Mobilehome and Special Occupancy Parks and Local Building Departments

Re: Applicability of the 2007 California Building Code (CBC) to Statewide Standard Plan Approved (SPA) Foundation systems.

This letter provides further clarification regarding the application of the new 2007 California Building Code (CBC) to previously approved statewide Standard Plan Approvals (SPA) for manufactured home foundation systems.

The Department of Housing and Community Development (HCD) is the agency charged with adopting regulations pertaining to the implementation of the Mobilehome Parks Act, contained in the California Health and Safety Code (HSC) commencing with section 18200, including the installation of manufactured homes both inside and outside of parks. HSC section 18253 specifically mandates that the Department develop these regulations. These regulations are contained in the California Code of Regulations, Title 25, Chapter 2 (25 CCR), the Mobilehome Parks and Installations Regulations.

While the Department does "reference" the California Building Standards Code, Title 24, the building standards adopted by the California Building Standards Commission (CBSC) only apply within mobilehome parks and special occupancy parks for certain purposes. Although the CBSC adopts "building standards", HSC section 18909 specifically states that a "building standard" does not include any regulation, rule, or order or standard that pertains to a manufactured home or mobilehome park. However, HSC, Division 13, Part 2.1, does make the building standards adopted by the CBSC applicable to permanent buildings in parks that are under the ownership and control of the park. See Section 108 of the California Building Code (Part 2) for a description of the application (HCD 2) of the Building Standards Code to park buildings and structures. This same description is reprinted in Parts 3, 4 and 5 of the California Building Standards Code, Title 24.

Since the CBC does not apply to mobilehome parks, other than as noted above, the adoption of a new CBC by the CBSC does not automatically require previously approved SPA foundation systems to be updated. The Legislature requires the Department to establish the requirements for foundation systems and, as such, the Department's regulations supersede any other requirement. HSC 18551 states in part:

"The department shall establish regulations for manufactured home, mobilehome, and commercial coach foundation systems that shall be applicable throughout the state. When established, these regulations supersede any ordinance enacted by any city, county, or city and county applicable to manufactured home, mobilehome, and commercial coach foundation systems."

The regulations adopted by the Department in 25 CCR govern the installations of manufactured homes, including their foundations systems, whether located inside or outside of a mobilehome park.

Section 1020.9 of 25 CCR delineates the requirements that allow an applicant to apply for an SPA. Subsection (k) of 1020.9 states the following:

“(k) When amendment of applicable laws or the department's regulations requires changes to an approved plan, the department shall:

(1) notify the applicant of the changes, and

(2) allow the applicant one hundred eighty (180) days from the date of notification to submit a revised plan for approval or until the expiration date of the standard plan approval, whichever occurs first”. (Emphasis added)

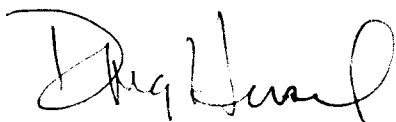
The Department has determined that adoption of the new CBC may affect the compliance of previous Department-approved SPA foundation systems. The Department is currently notifying SPA applicants that they have until August 27, 2008, to amend their foundation system SPA's if they do not comply with the new CBC requirements, or if in compliance, to submit a written certification from the registered engineer or architect of record that the existing SPA complies with the new CBC.

Enforcement agencies are required by the 25 CCR to accept the plans approved by the Department for the issuance of a permit. 25 CCR section 1020.9 states in part:

“(r) Plans with a standard plan approval from the department shall be accepted by the enforcement agency as approved for the purpose of obtaining a construction permit when the design loads and allowable soil conditions specified in the plans are consistent with the requirements for the locality. Local enforcement agencies shall not require the original signature of the architect or engineer on the standard plan approval.”

Until August 27, 2008, all previous Department approved foundation systems remain valid and, although an enforcing agency must accept the SPA plans, the plans must still meet the conditions for the locality in which it is installed.

If the Department can be of further assistance in clarifying the matter of previously approved foundation system SPA's and the applicability of the new CBC to manufactured home and foundation system installations, please contact me at (916) 324-4907 or by email at bharward@hcd.ca.gov.



FOR BRAD HARWARD

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